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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary report on the annual half-day panel discussion on the rights of indigenous peoples

Report of the Office of the United Nations High Commissioner for Human Rights

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I. Introduction

1. As mandated by the Human Rights Council in its resolution 18/8, the Council held its annual half-day panel discussion on the rights of indigenous peoples on 20 September 2017. The theme of the discussion, pursuant to Council resolution 33/13, was the commemoration of the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, with a special focus on challenges and good practices in achieving the ends of the Declaration. The present report is submitted pursuant to resolution 33/13.

2. The panel discussion was aimed at: identifying good practices and challenges in achieving the ends of the Declaration on the Rights of Indigenous Peoples; examining the role of indigenous youth in the promotion and protection of the rights of indigenous peoples; and considering the way forward in implementing the Declaration including through collaboration between relevant human rights mechanisms.

3. The panel was chaired by the President of the Human Rights Council, and moderated by Albert K. Barume, Chair-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples. The panellists were Dalí Ángel, coordinator of the Red de Jóvenes Indígenas de América Latina (Indigenous Youth Network of Latin America), and Karla General, an attorney at the Indian Law Resource Centre. The third panellist, Christine Kandie, a programme officer at the Endorois Welfare Council, was unable to participate due to travel delays. The original moderator for the panel, Grand Chief Wilton Littlechild of the Confederacy of Treaty Six First Nations, also faced travel delays but was able to provide concluding remarks.

4. The panel was accessible for persons with disabilities and was webcast and recorded.[1]

II. Opening of the panel discussion

5. The President of the Human Rights Council opened the panel discussion.

6. The Deputy High Commissioner said that Cayuga Chief Deskaheh of the Iroquois Nation had come to Geneva in 1923 seeking to address the League of Nations and that his great granddaughter, Karla General, was among the panellists currently present. The United Nations Declaration on the Rights of Indigenous Peoples was recognized as a global standard: however, many challenges remained in its implementation. It was important to focus on future generations. International human rights mechanisms could play a significant role in that regard: for example, the Convention on the Rights of the Child had been the first of the core international human rights treaties to include specific references to indigenous peoples.

7. There were links between the trauma of forced assimilation and many of the challenges that indigenous youth currently faced, such as infant and maternal mortality, alcohol and substance abuse, and persistently low access to education, employment and health care. In order to address that situation, indigenous children and youth must be engaged, empowered and enabled. They must become partners of equal dignity when it came to implementing their rights under the Declaration. It was important to collect and analyse appropriate data in order to ensure that policies affecting indigenous peoples' lives were based on sound evidence. The data gap must not remain a stumbling block for the achievement of the Sustainable Development Goals.

8. Decisive rights-based action was needed, recommendations had been issued and indigenous voices heard, and the path that must be followed was that of implementation for and with indigenous peoples, including indigenous children and youth.

[1] See http://webtv.un.org/search/panel-discussion-on-rights-of-indigenous-peoples-19th-meeting-36th-regular-session-human-rights-council-/5581732710001/?term=&lan=english&cat=Human%20Rights%20Council&sort=date&page=36.

9. Mr. Barume said that the Deputy High Commissioner had demonstrated the commitment of the Office of the United Nations High Commissioner for Human Rights to the rights of indigenous peoples. He welcomed all participants, particularly indigenous youth representatives, and recalled that it was the Human Rights Council that had first adopted the Declaration in 2006. He recalled the objectives of the panel discussion and underlined that, although the tenth anniversary of the Declaration should be a celebration, it also represented an opportunity to take stock of progress and challenges over the past 10 years.

III. Summary of the proceedings

A. Contributions of the panellists

10. Ms. Ángel focused on the work of the Indigenous Youth Network of Latin America, which comprised several indigenous youth organizations from the region. The Network had prepared a report on indigenous youth perspectives 10 years on from the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The report contained analysis of how indigenous youth in the region had used the Declaration to claim their rights, but also shed light on achievements in and challenges for its implementation.

11. In the report, the Network highlighted that there were different definitions and conceptions of youth within indigenous world views, going beyond the usual biological and age-range criteria. Indigenous peoples had traditionally assigned different roles, responsibilities, rights and obligations to their children and youth. The significance of identifying as indigenous youth therefore resided in assuming certain responsibilities within the community, in line with traditions and identities.

12. It was difficult to quantify the number of indigenous youth in the region, as there was a diverse range of conceptions of indigenous youth, influenced by cultural contexts. Some persons might not identify as indigenous in surveys and other data-collection tools, in order to avoid discrimination. Awareness-raising was essential in overcoming discrimination. Reliable social and demographic data were crucial to understanding the situation of indigenous peoples and to developing effective policies to overcome the poverty and marginalization that they often faced.

13. The report also addressed the issue of migration of indigenous youth from their communities to urban areas, mainly in search of better job opportunities. With regard to the tension between migration to urban areas and the tenure of indigenous peoples over their rural territories, youth migration could potentially gradually erode communities' individual and collective ownership of their lands. In order to address that challenge, better education, health and employment and livelihood opportunities must be created in rural areas.

14. Intercultural bilingual education was an issue of great importance for indigenous youth. Education must truly be based on indigenous culture, rather than simply translating Western educational models into indigenous languages. Indigenous youth could play a key role in developing curricula and content for genuine intercultural education. The lack of an intercultural perspective regarding sexual and reproductive rights was another issue of great concern for indigenous youth, who had identified traditional practices that imperilled the emotional and physical health of girls and young women, such as child marriage.

15. The empowerment of indigenous youth through the intergenerational transmission of traditional knowledge was vital, particularly given the constant tension between the state of belonging to an indigenous people and the fact of living in an interconnected world. Indigenous culture was not static, but rather constantly changing and recreating itself. The effects of colonization, history and discrimination placed indigenous youth in a difficult position, but they were addressing the challenge of creating their own cultural space, bringing together both their indigenous and global worlds.

16. Ms. General, acknowledging the work of her great grandfather, said that Cayuga Chief Deskaheh had asked the Members of the League of Nations whether they really believed that all peoples were entitled to equal protection under international law. That

question remained highly relevant at the current time. Indigenous peoples around the world deserved both an affirmative answer and action in that regard. The Declaration was a historic achievement and the most significant development in international human rights law in decades. However, representative indigenous voices were still denied access to the United Nations. The outcome document of the 2014 World Conference on Indigenous Peoples, General Assembly resolution 69/2 (2014), contained both a reaffirmation by Member States of their commitment to indigenous peoples and new commitments. Although States had committed to considering ways to enable the participation of indigenous peoples' representative institutions at the United Nations, little progress had been made in that regard due to the failure of the Member States to reach a consensus.

17. Participation was the most pressing issue for indigenous peoples: without authentic indigenous voices, decisions made in international forums would not be responsive to their realities, including violence against human rights activists, land grabs linked to extractive industries and the continued destruction of traditional ways of living. If indigenous peoples had a voice at the United Nations, they could tell the States Members that their situation had improved very little since the adoption of the Declaration, because decisions continued to be made without the benefit of their views and experience. When indigenous voices were heard, solutions were more responsive and effective.

18. Indigenous youth had a significant role to play in that work, as they were both citizens of the world and of their tribal nations and, as such, had much to contribute. Indigenous youth in North America faced a number of challenges, including negative health and education outcomes and economic disparities. Those disparities were linked to historical trauma, chronically underfunded programmes and ineffective policies. The Declaration provided a tool to change those situations. Indigenous youth were increasingly stepping forward to better understand international frameworks, in order to strengthen their advocacy efforts.

19. The mandate of the Expert Mechanism on the Rights of Indigenous Peoples had been amended and it had a role to play in: engaging with local actors to ensure that the recommendations of international bodies and mechanisms were respected and fulfilled; reporting to the Council on good practices in the achievement of the goals of the Declaration; and providing advice to Member States and indigenous peoples.

20. The implementation of the Declaration was an ongoing challenge that would take time. It was essential that the information and tools required to continue that task be passed on to indigenous youth, who must be aware of their rights, educated about the international human rights system and trained to utilize opportunities provided at the international level to implement their rights. The Declaration had empowered indigenous peoples, and they must work together with States to ensure that the principles and purposes of the Declaration and the Charter of the United Nations were respected, and that all peoples were entitled to equal protection under international law.

B. Interactive discussion

21. Mr. Barume said that there had been a slight trend towards change over the past 10 years, but mainly in terms of standard-setting and the development of institutions. Those new standards and institutions need to be operationalized and turned into reality in order to make a difference to individuals' lives.

22. Representatives of several Member States, national human rights institutions and non-governmental organizations took the floor to make comments or ask questions. While there was general agreement on the importance of the Declaration, support for the rights enshrined in it, and an acknowledgement of progress made to date several delegations also highlighted challenges with respect to the implementation of those rights. Some of the challenges raised included: the need to ensure indigenous peoples' participation in decision-making; the need for greater political will to ensure the fulfilment of the rights of indigenous peoples; concerns regarding rights to land, territories and resources; systemic discrimination; harassment of indigenous human rights defenders; gaps pertaining to the

right to health and the right to education; deficiencies in the collection of data regarding indigenous peoples; and lack of access to culturally sensitive sexual and reproductive health.

23. Some delegations emphasized that, while developments at the international level were important, dialogue and action at the domestic level should also be prioritized, including the use of the Declaration by national courts. The delegations also pointed to the links and interplay between the Declaration and other human rights instruments and mechanisms.

24. Several delegations and other stakeholders highlighted ongoing initiatives to address the situation of indigenous peoples' human rights in their respective countries. Those initiatives included: the development of national action plans for indigenous peoples, or their inclusion in broader national development strategies in the context of the Sustainable Development Goals; the establishment of mechanisms to involve indigenous peoples in decision-making; improvements to data collection; the inclusion of indigenous peoples' rights in sectoral public policies; measures to improve indigenous peoples' political representation; the creation of specific institutions to address their situation and concerns; land demarcation and titling programmes; the promotion of income-generating activities, such as community-based ecotourism; training for civil servants and other stakeholders; and targeted training for indigenous bilingual teachers.

IV. Concluding comments from the panellists and moderator

25. Ms. Ángel said that it was very important for indigenous youth to be able to organize themselves at the national and international levels, in order to bolster their participation in decision-making and in the design of programmes that might affect them. That approach implied not only setting aside places for young people but also providing, as a matter of priority, funding to facilitate their participation. The Sustainable Development Goals constituted a key channel for the involvement of indigenous youth, who must participate in national and international-level consultations. In addition to work at the international level, indigenous youth had a key role to play in implementing the Declaration at the national and local levels.

26. With regard to the way in which indigenous youth reacted when faced with climate change and disasters, in Oaxaca, Mexico, young persons contributed actively as members of humanitarian brigades. Indigenous peoples' ways of organizing themselves had also been fundamental in responding to disasters, as had the transfer of ancestral knowledge, which also played a key role in disaster prevention. There was a need to invest in the young generation. Such support for youth was a crucial way of supporting indigenous persons of all ages.

27. Ms. General said that it was vital to ensure collaboration across the United Nations system, and to learn about the realities of indigenous peoples on the ground and why those realities had not advanced far enough in the past 10 years. The expertise that existed within the United Nations system should be used to provide recommendations. The inclusion of the empowerment of indigenous women as one of the focus areas at the March 2017 session of the Commission on the Status of Women served as an example in that regard. The new technical assistance functions of the Expert Mechanism on the Rights of Indigenous Peoples had great potential. The treaty bodies and the universal periodic review had a significant role to play regarding indigenous peoples. The adoption of the American Declaration on the Rights of Indigenous Peoples was a welcome development, providing a strong and useful tool for the protection of the rights of indigenous peoples in the Americas.

28. It was disheartening and frustrating to see that the past 10 years had brought very little in the way of tangible, quantifiable improvements to the lives of indigenous peoples. However, much good work was being carried out at the community and international levels, and indigenous youth faced the challenge of bringing all that work together, in order to make the rights enshrined in the Declaration a reality in the daily lives of indigenous peoples. She invited States to continue consulting and collaborating with indigenous peoples to develop national plans of action to remedy existing shortcomings in laws, policies and practices, and highlighted the important role that national human rights

institutions could play. She also encouraged indigenous nations and communities to give young persons space to participate in their governance structures.

29. Grand Chief Wilton Littlechild said that, 40 years previously, when indigenous representatives, including him, had come to Geneva for the first time, they had not been allowed to take the floor at United Nations meetings. The current challenges regarding the participation of indigenous peoples at the United Nations were regrettable. It was important to acknowledge the contributions of indigenous peoples to the human family, including through the recognition of spiritual rights and indigenous peoples' role as stewards of the environment. He welcomed the fact that the Council had focused on youth through the panel, and called on States, indigenous peoples, civil society and the United Nations to work together to advance the rights of indigenous peoples. He appreciated the ongoing support of all States, indigenous peoples, civil society and the United Nations over the past 40 years, and urged those States that had not found a way to recognize indigenous peoples or support the Declaration to join in the movement towards not only the implementation of the Declaration but also peace and reconciliation.

30. Mr. Barume said that there was a need to raise awareness and build capacity around the Declaration, particularly among civil servants. The principle of free, prior and informed consent was one of the Declaration's most important contributions to international law, encapsulating, as it did, the basic principle of inclusive governance of society, under which all voices were heard.